

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
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July 27, 2015

AGENDA BOARD OF SELECTMEN MONDAY, JULY 27, 2015

6:00 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

EXECUTIVE SESSION

6:00 – To discuss strategy relative to pending litigation in the matter of Town of Mashpee v. Emmeluth, Trustee of SN Trust, upon declaration by the Chairman that an open meeting would have a detrimental effect on the Town's litigating position (G.L. c. 30A, §21 (3)).

MINUTES

Approval of the following: Monday, July 13, 2015 Regular Session – **Vote Required**

APPOINTMENTS & HEARINGS

6:30 – Public Comment
6:40 – Affordable Housing Committee Update/Walter Abbott & Alan Isbitz

COMMUNICATIONS & CORRESPONDENCE

- 1) Review and execution of Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance – **Vote Required**
- 2) Review and execution of Conditions and Operating Policies for Operation of a Communications Center for the Town of Mashpee by the Barnstable County Sheriff's Office – **Vote Required**

OLD BUSINESS

NEW BUSINESS

- 1) Review of Goals and Objectives/Town Manager
- 2) Approval of Amendments to the Facilities Use Policy – **Vote Required**
- 3) Approval of Appointment to Mashpee Historical Commission/Ava Costello – **Vote Required**
- 4) Approval of Appointment of Interim Police Chief Scott Carline to the following:
 - a) Mashpee Cares Committee – **Vote Required**
 - b) Streetlight Committee – **Vote Required**
- 5) Approval of Appointment of Town Manager Rodney Collins to the following:
 - a) Cape Cod Municipal Health Group (Representative) – **Vote Required**
 - b) Community Park Committee – **Vote Required**
 - c) Mashpee Cares Committee – **Vote Required**

- d) Plan Review Committee – **Vote Required**
- e) Waste Management Committee – **Vote Required**

- 6) Approval of Special Event Application, “Driscoll Family Marshmallow Roast” on August 8, 2015 at Popponesset Beach – **Vote Required**

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,
 Selectman O’Hara, Selectman Cotton
 Town Manager Rodney C. Collins
 Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Cahalane at 6:00 p.m.

Mashpee Town Hall, Waquoit Meeting Room

EXECUTIVE SESSION:

Motion made by Selectman Gottlieb to adjourn at 6:01 p.m. The Board will convene in Executive Session, pursuant to General Law Chapter 30A, Section 21(3), for the purpose of discussing strategy relative to pending litigation in the matter of the Town of Mashpee versus Emmeluth, Trustee of SN Trust, with the Chair having declared that an open meeting would have a detrimental effect on the Town's litigating position. The Board will reconvene in Open Session after the close of the Executive Session Meeting. Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, absent for vote
Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

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Meeting re-convened: 6:31 p.m.

MINUTES:

Monday, July 13, 2015 Regular Session:

Motion made by Selectman Gottlieb to approve the Regular Session Minutes of Monday, July 13, 2015 as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

Affordable Housing Committee Update/Walter Abbott & Alan Isbitz:

Walter “Bud” Abbott, Chair of the Affordable Housing Committee (AHC) was in attendance to update the Board of Selectmen on recent Affordable Housing activities and recommendations. Mr. Abbott indicated the AHC has been very active revising the restructured Affordable Housing & Planned Production Plan from the 2012 version.

It was disclosed the 2012 version of the plan although approved at the municipal level, was not submitted to the Department of Housing and Community Development (DHCD). The newly revised 2015 plan to be approved by the Affordable Housing Committee, Planning Board and Board of Selectmen is expected to be reviewed in August by the respective parties before it is submitted to DHCD for final approval.

The updated census is a required component in the affordable housing element of the Local Comprehensive Plan. Objectives and action items are contained in the report which targets the production of affordable housing to the year 2023. Mr. Abbott indicated that as of 2015, Mashpee’s affordable housing stock is 4.65% affordable with 298 subsidized affordable housing units.

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Affordable Housing Committee Update/Walter Abbott & Alan Isbitz: (continued)

To increase the Town’s affordable housing stock to 10% the Town would be required to produce at least 32 units annually to achieve the target by 2023.

It was noted that recently, and with the assistance of Community Preservation Act funding, the Mashpee Housing Authority has added 10 additional units to Breezy Acres/Great Cove Community. With CPA funding, Habitat for Humanity has completed three projects, and received funding in May of 2015 to construct two additional homes to be deeded as affordable in perpetuity.

Future and ongoing projects include the Wampanoag Tribe’s project on Meetinghouse Road and the expansion of Mashpee Commons. If the projects move forward, the Town would need 251 more units to achieve the 10% goal mandated by the state. In reviewing the median income of households with less than \$60,000 per year, and those in the severely rent burden category, Mr. Isbitz indicated that if the Town built 251 units, the residents would still be underserved. In discussion, it was noted the Town is also moving forward reviewing two lots located at 950 Falmouth Road and 209 Old Barnstable Road as combined sites for affordable housing.

Affordable Housing Committee member Alan Isbitz strongly made note of the need to balance affordable rental and ownership units to meet the needs of low and moderate income households. Mr. Isbitz indicated the 209 Old Barnstable Road feasibility study is proposed for 20 to 24 rental units earmarked for workforce housing. At the 950 Falmouth Road property, it was disclosed the Town is currently conducting the phase 1 of the feasibility study to review infrastructure and access requirements. After receiving a recommendation on the state level, the Town is considering combining the two properties to attract one developer for the construction and management of the subject properties.

In concern to the delay in constructing affordable housing, Mr. Isbitz indicated the AHC has been working diligently to advise the Board of Selectmen. A number of funding rounds have passed since November of 2013 when the AHC was considering the 209 Old Barnstable Road site. Mr. Isbitz stated the lack of progress represents a costly delay. Mr. Isbitz indicated the Affordable Housing Committee is hopeful the Town will proceed with deliberate speed to do what we can do for the Mashpee community.

It was recommended the Town consider funding the Affordable Housing Trust with Community Preservation monies and increase intra-governmental effort and coordination to move this challenge forward. With regards to the use of CPA monies, Town Counsel has advised it would be premature and futile to place an article on the October Town Meeting warrant unless the Community Preservation Committee has authorized the use of CPA funding.

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Affordable Housing Committee Update/Walter Abbott & Alan Isbitz: (continued)

For additional review was data compiled by the Cape Cod Commission dated June 30, 2014 relative to Community Preservation Act funding by town for Affordable Housing. To date, the total percentage of housing awards with CPA revenue in Mashpee is 7.2% or \$1,050,535.

To further clarify the sites under consideration for combined affordable housing to attract one developer, it was disclosed the Town received advice from state officials to develop the properties together and received partial grant funding to perform a feasibility study at 950 Falmouth Road to review access and infrastructure. The study is currently being conducted by Horsley & Witten, and results of the study are anticipated to be received in approximately two to three months. It was agreed the Board would await the determination of the study before acting on an RFP. The disposition of the land lies under the discretion of the Board of Selectmen. A brief discussion followed with regards to structuring the RFP and setting a goal for spring town meeting.

Discussion followed with regards to covenants for affordable housing. Currently, there is no system in place to track covenants. In the state program, credits are issued for the affordable housing units. It was noted that many of the units have a deed restriction with the exception of the units obtained through foreclosure. Currently there are five to seven foreclosure units which could possibly be renovated and targeted as affordable housing. The Affordable Housing Committee was requested to review and track this matter on behalf of the Town.

COMMUNICATIONS & CORRESPONDENCE:

Waste Management Survey:

It was noted the Solid Waste Committee met briefly last week to conduct minor language changes to the Waste Management Survey. The survey is corrected, and ready for dissemination.

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COMMUNICATIONS & CORRESPONDENCE:

Review and Execution of Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance:

Correspondence was received from the Massachusetts Department of Transportation (MassDOT) dated July 1, 2015 requesting the Board review and execute the Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance to obtain clear commitment the Mashpee community would not discriminate in any program, service or activity supported by federal financial assistance. Municipally signed Assurances are considered a prerequisite for state and local collaboration on the development of federally funded transportation projects.

Motion made by Selectman Gottlieb to approve and execute the Title VI/Nondiscrimination Assurance for submission to MassDOT.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Review and execution of Conditions and Operating Policies for Operation of a Communications Center for the Town of Mashpee by the Barnstable County Sheriff's Office:

The Board of Selectmen reviewed the Agreement to describe mutual responsibilities of the Barnstable County Sheriff's Office and the Town of Mashpee in the cooperative operation of a primary fire department dispatch system. The combined fee for fire dispatch and CMED for fiscal year 2016 is \$74,211.47. The Deputy Fire Chief was in attendance to recommend approval. It was noted the Agreement represents an estimated \$16,000 in cost savings.

Motion made by Selectman Sherman to approve and execute the Conditions and Operating Policies for the Operation of a Communications Center for the Town by the Barnstable County Sheriff's Office as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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NEW BUSINESS

Review of Goals and Objectives/Town Manager:

It was agreed that Selectman Gottlieb and Selectman Cotton would meet with Rodney Collins, the newly appointed Town Manager to review and develop a standard format of Goals and Objectives to evaluate his performance. The Selectmen members were requested to give input to the draft document.

Approval of Amendments to the Facilities Use Policy:

It was suggested the Board review the Facilities Use Policy, Application and Facility/Field Use Procedures for possible improvement. It was noted the Facilities Use Policy supports costs associated to the use of Town buildings.

Discussion followed with respect to political organizations holding an annual or election related caucus, and the requirement of the policy to secure liability insurance. Additional language was proposed under Section 5 of the Facility/Field Use Procedures as follows: Recognized political organizations are exempt from this insurance requirement for the purpose of holding their annual or election related caucus.

It was noted that Town Counsel submitted an opinion with respect to this regard. Upon review, it was agreed the Board would support the recommendation of Town Counsel; A waiver of the insurance requirement may be granted by the Town Manager on request of the applicant.

Motion made by Selectman Gottlieb to amend subparagraph 5 with the language recommended by Town Counsel.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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NEW BUSINESS

Approval of Appointment to Mashpee Historical Commission/Ava Costello:

Correspondence was received from Ava Costello dated June 23, 2015 expressing an interest to serve on the Mashpee Historical Commission. Additional communication was received from Nancy Soderberg dated July 13, 2015 recommending her appointment. Ms. Ava Costello is a retired American History professor. Her education and work experience would bring valuable skills to the commission.

Motion made by Selectman Gottlieb to appoint Ava Costello to the Mashpee Historical Commission as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Approval of Appointment of Interim Police Chief Scott Carline to the following: Mashpee Cares Committee, Streetlight Committee:

Motion made by Selectman O'Hara to appoint Interim Police Chief Scott Carline to the Mashpee Cares Committee and Streetlight Committee.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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Approval of Appointment of Town Manager Rodney Collins to the following:
Cape Cod Municipal Health Group (Representative)
Community Park Committee
Mashpee Cares Committee
Plan Review Committee
Waste Management Committee

Motion made by Selectman Sherman to appoint Town Manager Rodney Collins to the Cape Cod Municipal Health Group as Mashpee's representative, the Community Park Committee, the Mashpee Cares Committee, Plan Review Committee and Waste Management Committee.
Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Approval of Special Event Application, "Driscoll Family Marshmallow Roast" on August 8, 2015 at Popponesset Beach:

A Special Events Application was before the Board from the Driscoll Family to hold a marshmallow Roast on Popponesset Beach on August 8, 2015 from 7:00 to 9:00 p.m. for a family function. Additional correspondence was received from Jack Keating, Treasurer of the Popponesset Beach Association dated July 25, 2015 in support of the request to toast marshmallows on the beach located at 164 Shore Drive adjacent to Sandy Beach.

Maureen Driscoll was in attendance to discuss the planned event with the Board of Selectmen. The Fire Chief has signed off on the Special Events Application. Beach Fire Guidelines were imposed under the Town Charter. The applicant must contact the Fire Department on the day of the event for permission, which is based on the weather conditions of the day.

Motion made by Selectman Gottlieb to approve the Special Events Application for the Driscoll Family Marshmallow Road to be held on August 8, 2015 at Popponesset Beach as referenced.
Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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LIAISON REPORTS

Community Park: It was noted the new Mashpee Community is growing in popularity; approximately 165 persons attended a band concert last week. The Special Events Committee is very pleased with the results and is working on new ideas for the future use of the park.

Adjournment:

Motion made by Selectman O'Hara to adjourn at 7:28 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen